

### **REMARKS**

Applicant thanks the Examiner for the thorough consideration given the present application.

Claims 1-48 are now present in this application. Claims 1, 17, 33, 41, 47 and 48 are independent.

Claims 17, 32 and 46 have been amended. Reconsideration of this application, as amended, is respectfully requested.

#### **Request for Entry of the Amendment**

Applicant respectfully requests entry of the amendment, as the amendment automatically places the application in condition for allowance. Claim 17 was indicated as being allowable in the first Office Action. This amendment adds a limitation inadvertently deleted from the claim. Therefore, claim 17 is restored to its allowable form. Claims 32 and 46 now recite a non-transitory computer readable storage medium to overcome the rejection based on non-statutory subject matter.

#### **Examiner Interview**

The limitations added in the present amendment were discussed with the Examiner during a telephone conversation on September 29, 2010. The Examiner indicated that the amendments placed the claims in condition for allowance.

#### **Rejection Under 35 U.S.C. § 101**

Claims 17, 32 and 46 stand rejected under 35 U.S.C. § 101 as being directed to non-statutory subject matter. This rejection is respectfully traversed.

A complete discussion of the Examiner's rejection is set forth in the Office Action, and is not being repeated here.

Claim 17 has been amended to recite comparing the biometric sample with the biometric template with a carrier processing means in the data carrier. The limitation regarding the data carrier was inadvertently deleted from claim 17 in the amendment of June 22, 2010. Claim 17 had been indicated as being allowable so that the re-introduction of this phrase to claim 17 makes the claim allowable. Claims 32 and 46 have been amended to recite a "non-transitory computer

readable storage medium.” Support for this amendment can be found in the specification, inter alia, at page 15, lines 14-21.

**Allowable Subject Matter**

The Examiner states that claims 1-16, 33-45, 47 and 48 are allowed. Applicant thanks the Examiner for the early indication of allowable subject matter in this application.

**Conclusion**

All of the stated grounds of rejection have been properly traversed, accommodated, or rendered moot. Applicants therefore respectfully request that the Examiner reconsider all presently outstanding rejections and that they be withdrawn. It is believed that a full and complete response has been made to the outstanding Office Action, and as such, the present application is in condition for allowance.

In view of the above amendment, Applicant believes the pending application is in condition for allowance.

Should there be any outstanding matters that need to be resolved in the present application, the Examiner is respectfully requested to contact Christopher J. McDonald, Registration No. 41,533, at the telephone number of the undersigned below to conduct an interview in an effort to expedite prosecution in connection with the present application.

If necessary, the Director is hereby authorized in this, concurrent, and future replies to charge any fees required during the pendency of the above-identified application or credit any overpayment to Deposit Account No. 02-2448.

Dated: DEC 01 2010

Respectfully submitted,

By   
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